

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

September 20, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Jackson (W6)

Absent: Councilor Chris Case (W5)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on September 13, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Calnon; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending September 19, 2012 in the amount of \$ 258,567.42 are authorized and allowed and Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of September 13 – September 19, 2012
- Report from the Building Inspector's Office from September 4 – 18, 2012
- Statements of cash receipts from the Library from August 30 – August 31, 2012
- Report of Public Hearing held by the Zoning Board of Appeals on September 17, 2012
- Report from the Parking Violations Bureau for August 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 933,934.80 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Rabideau
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Kristy Brehm 102 Pine Street said I was married on July 8th so some of this paperwork has my maiden name Labier on it. I'm here about I ran over a water main cover May 4th South Catherine Street the corner of St. Johns. After running over the man hole cover I took it down to the Police Station got a police report. I've jumped through hoops. I went and got an estimate I have done everything everybody has told me to do. I've had no help. I was turned down by the City's Insurance Company they say that because there's no previous notice of this man hole cover it will not be covered. I did my research there's a whole report about Cornelia Street needing work done and water main holes go way back and needs a lot of work. I feel there is plenty of paperwork justifying that my water main incident needs to be covered, previous paperwork. I'm really disappointed in the lack of help that I've received. I went to the Public Works Department and spoke to a Mr. Fisher and he also agreed that the man hole cover was not in good condition as well as Mr. Luck from the City Police it was rusted through. He also told me the box underneath was broken and had been broken for a long time. He's also the one that went and repaired it. Now Mr. Brodi, his boss, said he was going to contact a Mr. Richard Marks to contact the insurance company to notify them that this had been damaged, he never did. So when I called Trident Insurance, when I talked to Belinda from there, she informed me nobody had called and as it stands it's still denied. So somewhere along the line I've just feel like I've been told yes, yes, yes and then nothing has been done about this. Again, and as far as I can understand in their claim that they're denying us it's because there was no previous knowledge of these man hole covers or this man hole cover being in bad condition. Well, I'll give you copies and I have this thing right here saying that South Catherine Street is a mess. And yes there is previous knowledge of these man hole covers being bad. So I guess I went and spoke to Beth and she said "What would you like the Mayor to do?" I want you to speak to contact Mr. Brodi was there work done, do I deserve to have this fixed? Should the City be taking care of this? I guess that is what I'm looking for here.

Mayor Kasprzak said usually we do not discuss anything at this point we just listen. I've spoken with Mr. Brodi. I've spoken with Mr. Marks. The City has followed the procedure that we were told we always do. We suggested that you contact insurance companies. Beth asked a good question. I don't know what you expect of me to do or the Council. We cannot go against an insurance claim from our insurance company stating yes or no. We don't over rule that.

Kristy Brehm 102 Pine Street said yeah but your insurance company also hung up the phone on me. She

took a very long time after trying to communicate her.

Mayor Kasprzak said that I could do something about. But I can't change the result the information you received. I can't change that.

Kristy Brehm 102 Pine Street said so you can't coordinate with the City's insurance.

Mayor Kasprzak said they've given you and answer that you didn't accept. So, what you want me to do is have a different answer for you, obviously.

Kristy Brehm 102 Pine Street said yeah I would like the...

Mayor Kasprzak said I can't do that. I don't have the authority to tell an insurance company to change their response to you.

Kristy Brehm 102 Pine Street said no but I mean if Mr. Brodi or if there's paperwork regarding this hole for the Public Works. It needs to be sent to the insurance company like he said he would do and contact the appropriate person if there is information about this.

Mayor Kasprzak said I often tell people this I only hear one side of every story and I will get Mr. Brodi's, who is over there, and I will get his information and the facts as he knows them. Because I don't believe anybody anywhere in this job until I get both sides. He or Richard Marks will contact you. But that's the best I can do. If some of the things are accurate then obviously we are going to find out for you. I'm not telling you they are.

Kristy Brehm 102 Pine Street said as long as somebody is looking in to this. Mr. Fisher had an idea of he proposed me getting his time sheet it will state what and where he worked. And what supplies he needed for that man hole cover. Mr. Brodi had said he couldn't give me any paperwork which I feel like would help me in this case.

Mayor Kasprzak said he can't give you paperwork if something that you're seeking isn't what he has told the insurance company or not in agreement with you. You're still kind of inferring we're supposed to agree with you. Mr. Brodi is listening to the conversation, Mr. Marks is there. Prior notice is very important for a municipality. If we had no complaints, forget Mr. Fisher's comments to you for one second, I guarantee you that if there was a real serious complaint on any issue here and we don't address it right away we are liable there is no doubt about that. But, I can't tell you in this instance other than you quoting Mr. Fisher, that has not talked to me or has not talked to his supervisor, I can't tell you anything about that at this point.

Kristy Brehm 102 Pine Street said I guess just ask if you look into this and I'll keep going with the insurance company.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves

establishing the following Parking Zone designation No. 944 Remove “No Parking” Zone on the west side of North Catherine Street in the recessed curb area adjacent to Catherine Garden Apartments and replace with “15 minute parking” Zone.

By Councilor Jackson; Seconded by Councilor Tiffer

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Erin McCartan to hold the 2012 Polar Plunge at the Plattsburgh City Beach on November 3, 2012.

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Karen Patterson to hold the Walk to Cure Diabetes on April 28, 2013 at US Oval.

By Councilor Tiffer; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves the Red Hummingbird Foundation to hold their annual Earthdance Celebration on Saturday, September 22, 2012 from 7:00 pm – 9:30 pm at the Lions club bandshell. In the case of inclement weather it would be held at the outside covered area of the Farmer’s Market.

By Councilor Carpenter; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the Mayor to sign Supplemental Agreement No. 1 for Contract # 2007-22 “Champlain Valley Transportation

Museum Building and Site Improvements PIN 7804.83, D030445.”

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves Patty Goodell to use the City Recreation Center gym for the CV-TEC Family Welcome Center Community Outreach Day from 10am-2pm on November 14, 2012.

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves Bid No. 2012-7-2 “St. Lawrence 1 and St. Lawrence 2 Substation Upgrades – Circuit Breaker and Circuit Switcher Installation” be awarded to Northline Utilities in the total amount of \$254,850.

By Councilor Jackson; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. PUBLIC HEARING UNDER GENERAL MUNICIPAL LAW 968- GRANT OF EASEMENT FOR INGRESS AND EGRESS TO BOMBARDIER MASS TRANSIT CORPORATION OVER LANDS OWNED BY THE CITY OF PLATTSBURGH ON MAIN MILL STREET.

The Mayor sets a Public Hearing on October 4, 2012 at 5 pm in the Common Council Chambers, 2nd Floor of City Hall, 41 City Hall Place, Plattsburgh, NY.

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves one Police Officer to attend “Law Enforcement Training Directors Association of NYS Annual Meeting” in Saratoga Springs, NY from October 3 – 5, 2012 at a cost not to exceed \$396 and will be paid out of Asset Forfeiture funds (DOJ).

By Councilor Calnon; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves three Police Officers to attend “Armorer Certification-Sig Sauer Pistols Training” in Epping, NH from December 7 – 9, 2012 at a cost not to exceed \$2,493 and paid out of Asset Forfeiture funds (DOJ).

By Councilor Calnon; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Assistant Fire Chief Randal Stone, Captain Edwards and Firefighter Lawliss to travel to Appleton, WI for Pre-Delivery Inspection of new Pierce Impell Fire Engine from September 27 – September 29, 2012 at a cost not to exceed \$150.

By Councilor Carpenter; Seconded by Councilor Jackson

Discussion:

Councilor Carpenter said Chief any idea when the engine will be delivered?

Assistant Fire Chief Randal Stone said after the inspection about 3 days to get it to Elmira that’s where their headquarters is. And they’ll do their pre-delivery stuff check and about 2 weeks after that. So it’s going to move pretty quickly so I’d say hopefully by the latest middle of October.

Councilor Carpenter said now when we get it do we have work to do on it also like radios and stuff.

Assistant Fire Chief Randal Stone said we have the voucher for equipment and radios. When we go out to do the pre-delivery inspection we’re going to provide all the mounting brackets and stuff where everything’s going. So when the truck comes in the equipment should be mounted for us. The only thing that is going to be left is 4 days of training so our pumper drivers can be certified to drive it. Then we’re going to put the foam and the different materials on the truck and the radios and the knox box and that’s about it. It should be about 95% completed at the time we receive it.

Councilor Carpenter said so it should be online by winter with no problem.

Assistant Fire Chief Randal Stone said **Mayor Kasprzak** wanted to expedite it as much as

possible and they're about a month ahead of schedule.

Mayor Kasprzak said I appreciate you bugging them a little bit.

Councilor Jackson said we traded to get a reduced price, didn't we?

Assistant Fire Chief Randal Stone said yes we had a 1999 Pierce Saber pumper on the market it was \$40,000 trade in it would have been worth a little bit more maybe \$70,000 or so. But on the last pumper test it failed. The booster tank on the City pumper is only 500 gallons and most of the people that buy these pumpers are volunteer companies and their tanks are 750 gallons or more for better resale. On this pumper we did upgrade the booster tank to 780 minus 30 gallons for foam which gives them the 750. So our next round, keeping that in mind, we should get more return on investments.

Councilor Jackson said they haven't taken possession of that are they just going to drive away with that when we swap?

Assistant Fire Chief Randal Stone said the deal that I made with them was we retain and use until we accept the pumper.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Bill Treacy, Manager MLD to write-off unpaid final bills from July 1, 2011 to July 31, 2011 in the total amount of \$3,182.29. The percentage of write-offs for this period is .35%.
2. Request from Police Chief Desmond Racicot for one Police Officer to attend "US Drug Administration Clandestine Laboratory State and Local Certification Training" in Quantico, VA from November 4 – 10, 2012 at a cost not to exceed \$90 and will be paid out of Asset Forfeiture funds (DOJ).
3. Request from City Chamberlain Richard Marks for Barbara Phillips to attend the "Office of the State Comptroller Advanced Accounting School – Accounting Principles and Procedures" in Pittsford, NY from October 16 – 18, 2012 at a cost not to exceed \$884.50.
4. Request from Assistant Fire Chief Randy Stone for 7 EMS personnel to attend "Trauma Education Day" at SUNY Plattsburgh on October 9, 2012 at a cost not to exceed \$700. This course will provide 6 credits toward the mandatory 12 Continuing Medical Education credits required to maintain their certification.

10. NEW BUSINESS:

Councilor Tiffer said there was a nice crowd at the beach Saturday there was more runners this year than last year. I enjoyed the course. So if anyone didn't get to go to the Rockeater definitely next year it should be bigger and better.

Councilor Carpenter said I enjoyed seeing Mark get dirty.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:47pm